

Resolution No.:	<u>16-1296</u>
Introduced:	<u>March 23, 2010</u>
Adopted:	<u>March 23, 2010</u>

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By County Council

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**SUBJECT:** DPWT Docket No. AB713  
Abandonment - Portion of Lybrook Drive  
Lee Lloyd's Addition to Burning Tree Valley Subdivision  
Bethesda, Maryland

**Background**

1. By letter dated September 21, 2007, Miles & Stockbridge on behalf of AssetOne Construction, LLC, the Applicant, requested the County to abandon a portion of Lybrook Drive in the Lee Lloyd's Addition to Burning Tree Valley Subdivision in Bethesda, Maryland. The portion of Lybrook Drive right-of-way for which abandonment is sought is shown highlighted on the attached Tax Map GN343.
2. A Public Hearing to consider the abandonment proposal was held on June 9, 2008, by the designee of the County Executive.
3. Washington Gas objected but would remove its objection if the Applicant would relocate the gas line and/or provide an easement for the gas line.
4. Washington Suburban Sanitary Commission had no objection.
5. VERIZON did not respond within 60 days and therefore, concurrence is presumed.
6. The Montgomery County Planning Board recommended approval.
7. The Department of Transportation recommended approval conditioned upon the Applicant granting easements for County storm drains and public utility facilities that might be located within the right-of-way and upon the Applicant filing a new record plat incorporating the former right-of-way into a lot with its adjoining property.
8. The Department of Fire and Rescue Services had no objection.
9. The Police Department did not respond within 60 days and therefore, concurrence is presumed.
10. PEPCO did not respond within 60 days and therefore, concurrence is presumed.

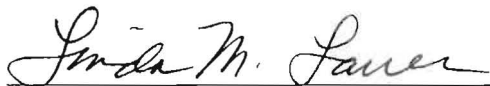
11. The County Executive recommends approval of the proposed abandonment with conditions.

**Action**

The County Council for Montgomery County, Maryland, finds that the portion of Lybrook Drive proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment, subject to the following conditions which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

1. The abandonment area must be subject to a permanent and perpetual public improvements easement sufficient in form and substance to allow for the current and future placement, maintenance and repair of utilities and drainage;
2. The form and substance of the easement referred to in 1) above must be approved for form and legal sufficiency by the Office of the County Attorney for Montgomery County, Maryland prior to the proposed abandonment taking effect; and
3. Applicant must prepare and record a new record plat in accordance with the requirements of Montgomery County Code Section 49-65(d), which plat must incorporate the abandonment area into a new lot formed by the abandonment area, the adjacent outlot, and lot referred to as Part of Lot 1, subject to the public improvement easements, with signature on the record plat of all necessary owners, mortgagees and lienholders of record.
4. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving abandonment of the subject area.
5. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

This is a correct copy of Council Action.

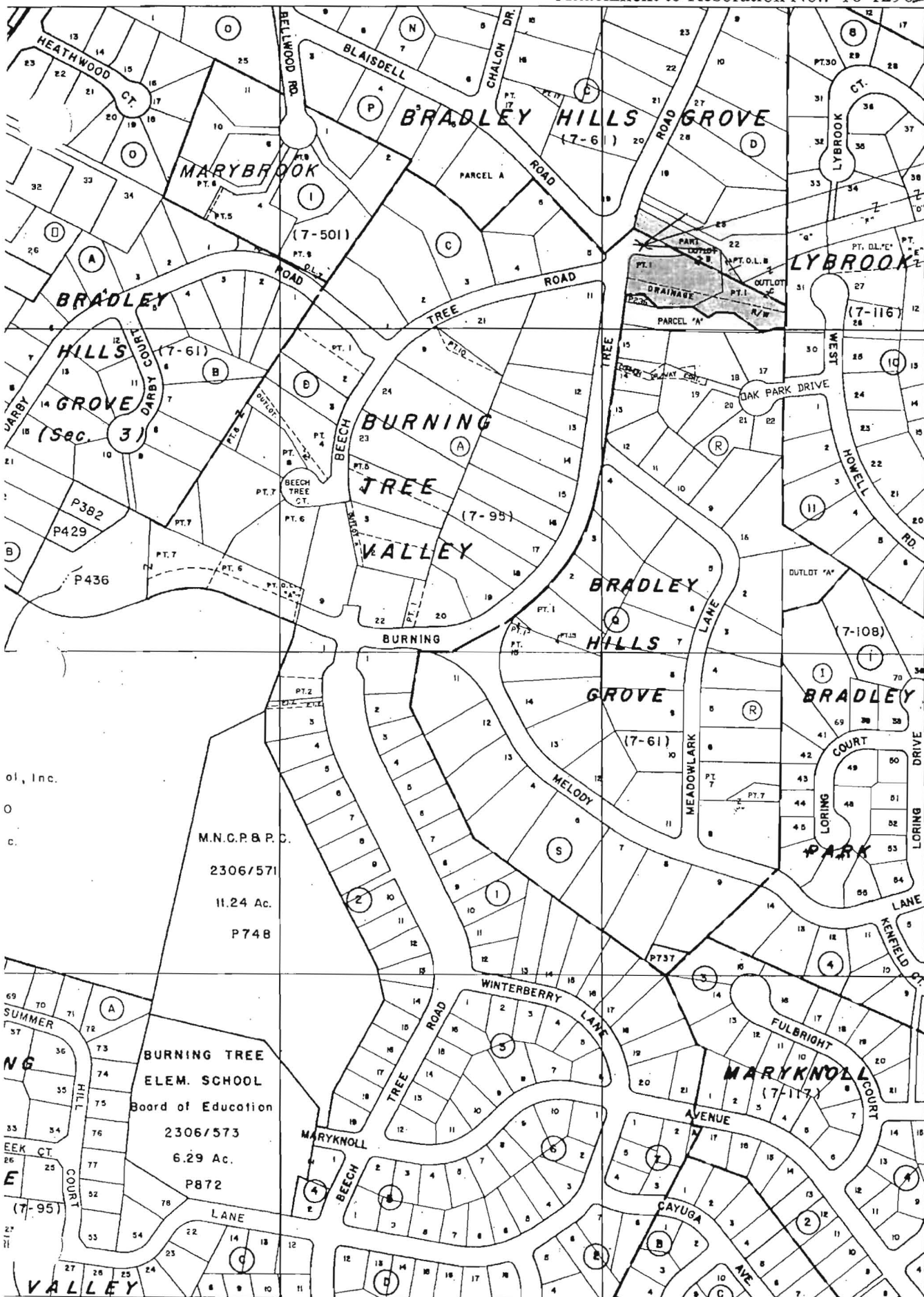


Linda M. Lauer, Clerk of the Council

N40000

AB713

Lybrook Dr.



GN 563 N 3

ol, Inc.

O

c.

M.N.C.P.B.P.C.

2306/571

11.24 Ac.

P748

BURNING TREE

ELEM. SCHOOL

Board of Education

2306/573

6.29 Ac.

P872

G 4

MONTGOMERY CO.,  
MARYLAND

MAP GN 343

W.S.S.C. 210 NW 07

Location: BRADLEY HILLS GROVE

WORKED TO IDENTIFY OWNERSHIP, MUST BE FORWARDED BY  
A MAP NUMBER  
COPY 1 IN HAND IN MARYLAND C. L. 1988

**MDP**  
Maryland

Department of Planning